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7590	10/06/2003		EXAMINER	
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY and POPEO, P.C. One Financial Center Boston, MA 02111			ASHBURN, STEVEN L	
			ART UNIT	PAPER NUMBER
			3714	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .	10/044,157	Applicant(s)	BLAKE, ARTHUR JOSEPH
Examiner	Steven Ashburn	Art Unit	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 July 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4,6-13,15,17-25,28,29,33 and 35 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4,6-13,15,17-25,28,29,33 and 35 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION***Claim Rejections - 35 USC § 103***

Claims 15, 17-20, 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ghassemain et al.*, U.S. Patent D426,242 (Jun. 6, 2000) in view of *Smith*, U.S. Patent 4,394,055 (Jul. 19, 1983).

In regards to claims 15 and 28: *Ghassemain* illustrates a design for a computer accessory cabinet stand. The reference teaches or suggests the following features of the applicant's claims:

- a. Housing having a front face a bay formed in the front face. More specifically, *Ghassemain* illustrates a stand including a cabinet drawer that pulls-out from a bay formed in the front face of the stand. The drawer rails are shown in fig. 3.
- b. Storage module disposed in the bay for storing computer components. *See supra.*
- c. Surge suppression system wherein the surge suppression system is constructed and arranged to provide surge protected power to one or more electronic devices. *See fig. 3.*

Ghassemain teaches all the features of the claim except storing video game components in the bay.

Smith discloses an analogous accessory cabinet stand for supporting a video game computer and storing video game accessories. *See fig. 1, 2; col. 2:3-29.* The reference describes a storage bay arranged and constructed to store a plurality of video game accessories including memory cards. *See col. 2:41-54.* In view of *Smith*, it would have been obvious to modify the computer accessory cabinet stand taught by *Ghassemain*, wherein a storage bay contains a storage module for holding computer accessories, to add the feature of constructing and arranging the storage module to video game components. As suggested by *Smith*, the modification would enhance the accessory stand by allowing game components to be held in an organized way. *See col. 1:40-49.*

In regards to claim 17: the accessory stand suggested by the combination *Ghassemain* with *Smith* describes storing video games recorded within video game cartridges for a variety of different game consoles. *See Smith, col. 1:20-50.* Thus, the combination suggests all the features of the claim except storing DVDs, CD-ROMs or video game disks. Regardless, it is notoriously well known in the art for video game systems to execute video games recorded on media including DVD, CD-ROM or game disks because these can store a large quantities of data. Consequently, it would have been obvious to an artisan at the time of the invention to modify the accessory stand described by the combination of *Ghassemain* with *Smith*, wherein the console stores video games, to add the feature of storing one or more DVD, CD-ROM or video game disks and thereby organize video games for video game systems that employ these media.

In regards to claim 18: *Ghassemain* additionally illustrates a slidable tray. *See fig. 3. Smith* suggests having the tray contain to hold disks and memory cards. *See Smith, col. 1:20-50.*

In regards to claim 19: *Ghassemain* additionally illustrates a storage module including a closable door. *See fig. 1-3.*

In regards to claim 20: The accessory stand suggested by the combination *Ghassemain* with *Smith* describes all the features of the claim except the storage module having a label. Regardless, it notoriously well known to label items to identify what they are or what they contain and thereby greatly reduce user misperception as to what the items are or contain. Furthermore, items are commonly labeled by manufacturers to communicate information (e.g. "High Voltage") or for tracking (e.g. serial numbers). In this case, it would have been obvious to an artisan at the time of the invention to modify the accessory

stand suggested by the combination *Ghassemain* with *Smith* to add the feature of a label to greatly reduce user misperception as to what the item are or contain.

In regards to claim 22: *Ghassemain* additionally illustrates the surge suppression system providing protection to a plurality of electric devices through at least one jack. *See id.*

Claims 1-4, 6, 7, 9-10, 12, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ghassemain* in view of *Smith*, as applied to claims 15 and 28 above, in further view of *Browne*, U.S. 5,409,107 (Apr. 25, 1995)

In regards to claims 1 and 24: The game accessory stand suggested by the combination of *Ghassemain* with *Smith* describes all the features of the claims except a controller clip configured to cradle a video game controller.

Browne discloses holder attachable to the side of a housing for holding a computer mouse. *See fig. 1.* Notably, a computer mouse can be used in a video game and therefore constitutes a video game controller. The controller holder includes cord holder providing strain relief to a controller cord such that the cord will not be damaged if it gets pulled or snagged during use of the controller. *See col. 4:5-14.* As a result, the holder enhances the life and reliability of the controller. *See id.*

In view of *Browne*, it would have been obvious to modify the accessory cabinet suggested by the combination of *Ghassemain* with *Smith*, to add the feature a controller clip configured to cradle a video game controller. As suggested by *Browne*, the modification would enhance the system by providing an improved means of temporarily storing a controller when it is not in use. *See col. 3:42-14.* Furthermore, the modification enhances the system by providing strain relief to the controller's and thereby enhances the life and reliability of the controller. *See col. 4:5-14.*

In regards to claims 2 and 25: *Browne* additionally teaches a controller clip constructed and arranged to accept a controller cord. *See id.*

In regards to claim 3: *Browne* additionally teaches a removable controller clip. *See col. 2:38-44.*

In regards to claim 4: the accessory stand suggested by the combination *Ghassemain* with *Smith* and *Browne* describes storing video games recorded within video game cartridges for a variety of different game consoles. *See Smith, col. 1:20-50.* Thus, the combination suggests all the features of the claim except storing DVDs, CD-ROMs or video game disks. Regardless, it is notoriously well known in the art for video game systems to execute video games recorded on media including DVD, CD-ROM or game disks because these can store a large quantities of data. Consequently, it would have been obvious to an artisan at the time of the invention to modify the accessory stand described by the combination of *Ghassemain* with *Smith* and *Browne*, wherein the console stores video games, to add the feature of storing one or more DVD, CD-ROM or video game disks and thereby organize video games for video game systems that employ these media.

In regards to claim 6: *Ghassemain* additionally illustrates a storage module including a closable door. *See fig. 1-3.*

In regards to claim 7: The accessory stand suggested by the combination *Ghassemain* with *Smith* and *Browne* describes all the features of the claim except the storage module having a label. Regardless, it is notoriously well known to label items to identify what they are or what they contain and thereby greatly reduce user misperception as to what the items are or contain. Furthermore, items are commonly labeled by manufacturers to communicate information (e.g. "High Voltage") or for tracking (e.g. serial numbers).

In this case, it would have been obvious to an artisan at the time of the invention to modify the accessory stand suggested by the combination *Ghassemain* with *Smith* and *Browne* to add the feature of a label to greatly reduce user misperception as to what the item are or contain.

In regards to claims 9: *Ghassemain* additionally illustrates a surge suppression system wherein the surge suppression system is constructed and arranged to provide surge protected power to one or more electronic devices. *See fig. 3.*

In regards to claim 10: *Ghassemain* additionally illustrates the surge suppression system including protected power outlets. *See id.*

In regards to claim 11, *Ghassemain* additionally illustrates the surge suppression system including a power-on and surge-protection status light. *See id.* Notably, it is notoriously well known for surge suppressors to incorporate power-on or surge-protection status light to indicate to users the status of the system and thereby allow the user to know if the system is powered and operational.

In regards to claim 12: *Ghassemain* additionally illustrates the surge suppression system providing protection to a plurality of electric devices through at least one jack. *See id.*

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ghassemain* in view of *Smith* and *Browne*, as applied to claim 1 above, in futher view of *Goekler*, U.S. Patent 5,253,756 (Oct. 19, 1993)

In regards to claim 8: *Ghassemain* with *Smith* and *Browne* describes all the features of the claim except storing the media in their original cases. *Goekler* discloses an analogous management system for

storing a variety of data-storage media including compact disks, cartridges and cassettes. *See col. 1:5-14.*

The reference teaches that many such containers are not versatile enough to efficiently store different kinds of media. In specific regards to the claim, *Goekler* describes storing the media in their original cases. *See fig. 10.* In view of *Goekler*, it would have been obvious to an artisan at the time invention to modify the accessory stand suggested by the combination *Ghassemain* with *Smith* and *Browne*, to add the feature of storing the media in their original cases. As suggested by *Goekler*, the modification would enhance the system by allowing the media to be more easily reorganized, viewed and grasped. *See col.*

2:43-51.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ghassemain* in view of *Smith* and *Browne*, as applied to claim 12 above, in further view of *Chaudhry*, U.S. Patent 6,252,754 B1 (Jun. 26, 2001).

In regards to claims 13: The accessory stand suggested by the combination *Ghassemain* with *Smith* and *Browne* describes all the features of the claim except the surge suppression system including a coaxial, RJ-45 or RJ-11 jack.

Chaudhry discloses that many homes have home entertainment centers with expensive audio/visual equipment. *See col. 1:15-2:59.* These sensitive electronic devices are connected to the outside world by means of telephone lines, coaxial transmission lines and AC power lines. *See id.* *Chaudhry* identifies several sources of overvoltage that threaten devices connected to external lines including power lines, telephone line (both voice lines and high speed data lines) and coaxial lines (both cable TV and satellite dish antennas). *See id.* For example, the reference teaches that over 90 million lightning bolts are estimated to strike the United States annually and, as a result, insurance claims for damages due to lightning exceeded one billion dollars in 1990. *See id.* *Chaudhry* estimates that this number will increase as homeowners purchase more sophisticated electronics equipment. *See id.*

Consequently, the reference identifies the need to protect power, telephone and coaxial transmission lines from voltage surges. In particular regards to the claim, *Chaudhry* suggests protecting a home entertainment center with a surge protection system including a coaxial, RJ-45 or RJ-11 jacks. 3:62-4:16.

In view of *Chaudhry*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the accessory stand suggested by the combination *Ghassemain* with *Smith* and *Browne*, wherein the stand includes a surge suppressor for a plurality of audiovisual equipment, to add the feature surge suppressed coaxial, RJ-45 or RJ-11 jacks. As suggested by *Chaudhry* the modification would enhance the system by protecting the sensitive home entertainment devices from damage or loss due to voltage surges.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ghassemain* in view of *Smith*, as applied to claim 15 above, in further view of *Goekler*.

In regards to claim 21: *Ghassemain* with *Smith* describes all the features of the claim except storing the media in their original cases. *Goekler* discloses an analogous management system for storing a variety of data-storage media including compact disks, cartridges and cassettes. *See col. 1:5-14*. The reference teaches that many such containers are not versatile enough to efficiently store different kinds of media. In specific regards to the claim, *Goekler* describes storing the media in their original cases. *See fig. 10*. In view of *Goekler*, it would have been obvious to an artisan at the time invention to modify the accessory stand suggested by the combination *Ghassemain* with *Smith*, to add the feature of storing the media in their original cases. As suggested by *Goekler*, the modification would enhance the system by allowing the media to be more easily reorganized, viewed and grasped. *See col. 2:43-51*.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ghassemain* with *Smith*, as applied to claim 22 above, in further view of *Chaudhry*.

In regards to claims 23: The accessory stand suggested by the combination *Ghassemain* with *Smith* describes all the features of the claim except the surge suppression system including a coaxial, RJ-45 or RJ-11 jack.

Chaudhry discloses that many homes have home entertainment centers with expensive audio/visual equipment. *See col. 1:15-2:59.* These sensitive electronic devices are connected to the outside world by means of telephone lines, coaxial transmission lines and AC power lines. *See id.* *Chaudhry* identifies several sources of overvoltage that threaten devices connected to external lines including power lines, telephone line (both voice lines and high speed data lines) and coaxial lines (both cable TV and satellite dish antennas). *See id.* For example, the reference teaches that over 90 million lightning bolts are estimated to strike the United States annually and, as a result, insurance claims for damages due to lightning exceeded one billion dollars in 1990. *See id.* *Chaudhry* estimates that this number will increase as homeowners purchase more sophisticated electronics equipment. *See id.* Consequently, the reference identifies the need to protect power, telephone and coaxial transmission lines from voltage surges. In particular regards to the claim, *Chaudhry* suggests protecting a home entertainment center with a surge protection system including a coaxial, RJ-45 or RJ-11 jacks. *3:62-4:16.*

In view of *Chaudhry*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the accessory stand suggested by the combination *Ghassemain* with *Smith*, wherein the stand includes a surge suppressor for a plurality of audiovisual equipment, to add the feature surge suppressed coaxial, RJ-45 or RJ-11 jacks. As suggested by *Chaudhry* the modification would enhance the system by protecting the sensitive home entertainment devices from damage or loss due to voltage surges.

Claim 29, 33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by *Ghassemain* in view of *Smith*, as applied to claim 28 above, in further view of *Reiter*, U.S. Patent D338,882 (Aug. 31, 1993).

The game cabinet stand suggested by the combination of *Ghassemain* with *Smith* describes all the features of the instant claim except support portions on the top of the stand constructed and arranged to provide airflow passage between the computer and the stand's housing.

Generally, it is well known to that electronic devices require adequate airflow to remove heat generated by components with the devices' housing. Furthermore, it is well known to employ spacers or feet housings for electronic devices to allow airflow between components and thereby enhance cooling of powered components to prevent overheating. Hence, a game artisan at the time of the invention would be aware of the need to provide airflow around electronic devices and the use of spacers or feet to enhance airflow.

Reiter illustrates an analogous support base for a computer. It includes support stands positioned to support a computer on top of the stand thereby providing airflow passage between the computer and the stand's housing. In view of *Reiter*, it would have been obvious to an artisan to modify the game cabinet stand suggested by the combination of *Ghassemain* with *Smith*, wherein a game computer sits on top of the stand, to add the feature of support portions on the top of the stand constructed and arranged to provide airflow passage between the computer and the stand's housing. The modification would enhance the system by increasing airflow around the computer and thereby remove heat generated by components within the computer's housing.

In regards to claim 33: the accessory stand suggested by the combination *Ghassemain* with *Smith* and *Reiter* describes storing video games recorded within video game cartridges for a variety of different game consoles. See *Smith*, col. 1:20-50. Thus, the combination suggests all the features of the claim.

except storing DVDs, CD-ROMs or video game disks. Regardless, it is notoriously well known in the art for video game systems to execute video games recorded on media including DVD, CD-ROM or game disks because these can store a large quantities of data. Consequently, it would have been obvious to an artisan at the time of the invention to modify the accessory stand described by the combination of *Ghassemain* with *Smith*, wherein the console stores video games, to add the feature of storing one or more DVD, CD-ROM or video game disks and thereby organize video games for video game systems that employ these media.

In regards to claim 35: *Reiter* additionally illustrates feet on the top surface of a housing to support a computer.

Response to Arguments

In response to the applicant's amendment of the title, the objection to the title of the invention is withdrawn.

In response to the applicant's amendment canceling claims 14, 26, 27, 30 and 31, the rejection under 35 U.S.C. 112 is withdrawn.

In regards to claims 1-4, 6-13, 15, 17-25, 28, 29, 33 and 35: Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment to the claims.

Prior Art, Not Relied On

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure:

- Chang, U.S. Patent 5,755,497 (May 26, 1998) discloses a computer housing having an accessory bay wherein a storage tray slides from behind a hinged door.
- Huang, U.S Patent D396,160 (Jul. 21, 1998) illustrates a detachable clip for a game controller or mouse.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone

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numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

s.a.
September 29, 2003



MARK SAGER
PRIMARY EXAMINER